

FILED 10 MAR 12 13:06 USDC-ORP

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

STEVE P. GORDON,

Plaintiff,

v.

ORDER

UNITED RENTALS, INC.,

Civil No. 09-1344-HU

Defendant.

HAGGERTY, District Judge:

Magistrate Judge Hubel referred to this court a Findings and Recommendation [9] in this matter. Magistrate Judge Hubel recommends that defendant's Motion to Dismiss [3] be granted because plaintiff failed to properly serve defendant with service of process. Plaintiff, acting *pro se*, filed objections to the Findings and Recommendation, and defendant filed a timely response. For the following reasons, this court adopts the Findings and Recommendation.

STANDARDS

When a party objects to any portion of a Findings and Recommendation, the district court must conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

DISCUSSION

The Findings and Recommendation contains a detailed factual summary outlining the manner in which plaintiff attempted to effectuate service of process on defendant. Those facts will not be repeated here.

The Magistrate Judge found that "[b]ecause plaintiff fails to establish that he properly effected service on defendant, this action should be dismissed," and moreover, "that the court lacks personal jurisdiction [over defendant] as a result of the insufficient process." Findings and Recommendation at 5; (citing *S.J. v. Issaquah Sch. Dist. No. 411*, 470 F.3d 1288, 1293 (9th Cir. 2008) and *Benny v. Pipes*, 799 F.2d 789, 492 (9th Cir. 1986)).

Plaintiff's objections to the Findings and Recommendation provide no meritorious argument and fail to establish that he provided proper service of process to defendant. This court has reviewed the entire record and has conducted a *de novo* review of the Findings and Recommendation. The Findings and Recommendation is well reasoned and without error. This court adopts the Findings and Recommendation in its entirety.

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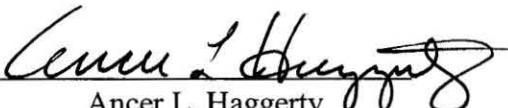
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CONCLUSION

For the foregoing reasons, the court adopts the Findings and Recommendation [9]. Defendant's Motions to Dismiss [3] is granted. Plaintiff's claims are dismissed without prejudice.

IT IS SO ORDERED.

DATED this 12 day of March, 2010.



Ancer L. Haggerty
United States District Judge